

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 361X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
PRINCE EDWARD COUNTY, VA.

Decided: May 6, 2014

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 1.0 mile of rail line located in Prince Edward County, Va., extending from milepost N 167.9 (near the intersection of Pamplin Road/US Rte. 460 Bypass and Heights School Road) to milepost N 168.9 (0.6 miles east of the Appomattox County-Prince Edward County line), all of which is located in the Town of Pamplin City. Notice of the exemption was served and published in the Federal Register on April 7, 2014 (79 Fed. Reg. 19,172). The exemption is scheduled to become effective on May 7, 2014.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on April 11, 2014, recommending that one environmental condition be imposed on any decision granting abandonment authority. In the EA, OEA states that NSR served an historic report on the Virginia Department of Historic Resources (State Historic Preservation Officer or SHPO) pursuant to 49 C.F.R. § 1105.8(c). OEA notes that the SHPO has indicated that it needs additional information before providing comments regarding the potential effect of the proposed abandonment on historic properties that may be eligible for listing in the National Register of Historic Places (National Register). OEA states that, based on the information available to date, it anticipates that the proposed abandonment would have no adverse effect on historic properties, but because the SHPO has not yet provided comments, OEA has been unable to consider the SHPO's opinion in making a final determination. Therefore, OEA recommends that NSR be required to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register until completion of the Section 106 process of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f. OEA also recommends that NSR be required to report back to OEA regarding any consultations with the SHPO and the public, and that NSR be prohibited from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

No comments to the EA were received by the April 28, 2014 due date. Accordingly, the condition recommended by OEA in the EA will be imposed.

Based on OEA's recommendation, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the notice served and published in the Federal Register on April 7, 2014, exempting the abandonment of the line described above is subject to the condition that NSR shall: (1) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register until completion of the Section 106 process of the NHPA, (2) report back to OEA regarding any consultations with the SHPO and the public, and (3) be prohibited from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.